IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 759 of 2005

Between:

K.R.Swamy S/o.K.Chandramouli
APSRTC, Mahabubnagar Bus Depot, Mahabubnagar District.

..... PETITIONER

AND

1. The Depot Manager, APSRTC Mahabubnagar Bus Depot,

Mahabubnagar.
2 The Regional Manager, APSRTC Mahabubnagar Region at

Mahabubnagar.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of writ of mandamus declaring that the action of the respondent No.1 in transferring the petitioner from APSRTC Mahabubnagar Bus Depot to Gadwal Bus Depot on his misconduct as bad, arbitrary, unjust and unreasonable and contrary to the judgment of this Hon'ble Court by setting aside the Office order No.P2/1(1)04-RM (MB) Dt.28.12.2004 of R1 herein and consequential order if any and consequently direct the respondents to continue the petitioner in APSRTC, Mahabubnagar Bus Depot and pass such other order or orders.

Counsel for the Petitioner:MR.P.VENKATESWAR RAO

Counsel for the Respondent Nos.1 and 2: MR.Y.V.SWAMY

The Court at the admission stage made the following O R D E R:

Challenging the action of the respondents in transferring the petitioner from APSRTC, Mahabubnagar Bus Depot to Gadwal Bus Depot through order dated 28.12.2004, the petitioner filed the present writ petition.

The facts of the case are not in dispute.

Learned counsel appearing for the petitioner contended that the transfer order is nothing but a punishment and it will cast stigma on the service conditions of the petitioner, and therefore, it is liable to be set aside.

Learned counsel appearing for the respondents contended that as the duties performed by the petitioner were not satisfactory, he has been transferred on the administrative grounds indicating to review his case basing on the performance of his duties periodically at the Depot to which he is now posted. Hence, there are no grounds to interfere with the impugned order.

A perusal of the impugned order would show that the petitioner have been transferred from APSRTC, Mahabubnagar Bus Depot to Gadwal Bus Depot on administrative grounds. No doubt, it is mentioned in the order that the petitioner has caused serious disruption to bus services and also affected the revenue of the Corporation and therefore, he was transferred on administrative grounds. Since some observations have been made in the impugned order, which will cast stigma on the service conditions of the petitioner, this Court considers it necessary to expunge those observations, which in the opinion of petitioner cast stigma. Therefore, the observations made in the impugned order that the

petitioner has been absenting himself from duties, which caused serious disruption to bus services and that his case has to be reviewed basing on the performance of his duties periodically at the depot to which he was transferred are set aside and the remaining order is confirmed. However, it is made clear that any observations made in the impugned order cannot have any stigma in the service conditions of the petitioner for considering his case to promotion or any other aspect. It is also made clear that if the duties performed by the petitioner were found not satisfactory, it is for the respondents to take appropriate decision in accordance with law after affording reasonable opportunity to the petitioner.

Accordingly the writ petition is disposed of. No costs.

08.02.2005

Note:Furnish copy in two days

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To

1. The Depot Manager, APSRTC Mahabubnagar Bus Depot,

Mahabubnagar.

2 The Regional Manager, APSRTC Mahabubnagar Region at

Mahabubnagar.

3 Two C.D copies